

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RANDY FORTUNATO,

2:12-CV-360 JCM (PAL)

Plaintiff,

V.

COUNTRYWIDE HOME LOANS
INC., et al.,

Defendants.

ORDER

Presently before the court is defendant Flagstar Bank, FSB’s (“Flagstar”) motion to expunge
s pendens. (Doc. # 31). Plaintiff Randy Fortunato had up until July 29, 2013, to file a response. To
date, plaintiff has not responded.

This is a mortgage foreclosure case. Plaintiff filed an amended complaint in state court on February 13, 2012. (*Id.*). In initiating this lawsuit, plaintiff filed a lis pendens with the Clark County Recorders Office in book number 20120309 as instrument number 0002633. (Doc. # 31, Ex. 1).

Defendants removed the case to federal court on March 6, 2012. (*Id.*). The amended complaint includes four claims for relief: (1) fraud, (2) quiet title, (3) violations of NRS 107.086(4)-5, 107.200, and 107.220, and (4) breach of contract. (*Id.*).

The court previously dismissed plaintiff's first, second, and fourth causes of action. (Doc. 26). The court also partially dismissed plaintiff's third cause of action that alleged violations of IRS §107.086(4)-(5). (*Id.*) The court declined to dismiss plaintiff's claim for alleged violations of

1 NRS §§ 107.200 and 107.220 because the motion to dismiss failed to address plaintiff's allegation
2 that he requested information about the loan from Flagstar and never received this information.
3 Flagstar then moved for summary judgment as to the partially remaining claim (doc. # 27), and the
4 court granted Flagstar's motion, dismissing the case in its entirety (doc. # 29).

5 Flagstar now moves to expunge the lis pendens on the property because the complaint has
6 been dismissed. (Doc. # 31). With all of plaintiff's causes of action being dismissed and the case
7 being closed, the lis pendens is no longer necessary. The court finds it appropriate to expunge the
8 lis pendens.

9 Accordingly,

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Flagstar Bank,
11 FSB's motion to expunge lis pendens (doc. # 31) be, and the same hereby is, GRANTED.

12 IT IS FURTHER ORDERED that the lis pendens is canceled, released, and expunged.

13 IT IS FURTHER ORDERED that defendant record a properly certified copy of this order in
14 the real property records of Clark County, Nevada within a reasonable amount of time from the date
15 of this order.

16 DATED August 6, 2013.

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18 **UNITED STATES DISTRICT JUDGE**

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